

Application No. 09/815,247
Amtdt. dated April 13, 2004
Reply to Office action of January 14, 2004

REMARKS / ARGUMENTS

5 Claims 2, 3, 5, 6, 23, 24 and 28-39 are pending in the Application. All pending
claims have been rejected under 35 U.S.C. 112, first paragraph, as containing subject
matter which was not described in the specification in such a way as to convey to one
skilled in the relevant art that the inventor, at the time the application was filed, had
possession of the claimed invention. The Examiner appears to base his rejection of the
10 claims on the fact that the phrase "plurality of distinct sounds" does not appear in the
specification or claims as originally filed, and that therefore this presents new matter.

Applicant respectfully traverses the rejection. Although the phrase "plurality of
distinct sounds" does not appear in the specification or claims as originally filed, the
inclusion of this phrase in the claims does not add new matter, and is supported in the
specification as filed.

15 Applicant's Background section states: "In some situations, it is desirable to
provide more than one audible tone or pattern from the same notification appliance, *for
example, a bell sound which could indicate a fire and a slow whoop sound which could
indicate a tornado warning.*" Specification as filed, page 1, lines 6-9 (emphasis added).
Clearly, what was being sought was an apparatus that could produce different, distinct
20 sounds.

Thus, where the Specification describes a microprocessor that "controls the
audible alarm to control at least two different audible signals, such as audible patterns or
tones," Specification as filed, page 4, lines 15-16, clearly production or generation of a
plurality of distinct sounds such as bells and whoops was within the possession of the
25 Applicant at the time the application was filed.

New matter has not been added; rather Applicant has attempted to clarify the
claimed invention by distinguishing complex sounds, such as bells and whoops, from
mere tones.

In view of the foregoing discussion, Applicant respectfully requests
30 reconsideration of and withdrawal of the rejections of the pending claims in favor or
allowance.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 731-7244.

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Respectfully submitted,

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Dated: April 13, 2004